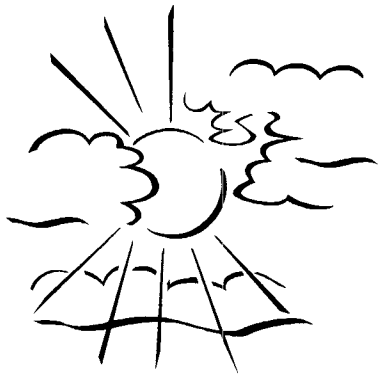


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\*Important story at this spot

# **Articles in Today's Clips**

## **Wednesday, April 12, 2006**

(Be sure to maximize your screen to read your clips)

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# **Ricky's parents face murder trial**

## **Judge faults both, cites abuse pattern**

April 12, 2006

BY JACK KRESNAK  
FREE PRESS STAFF WRITER

MASON -- Tim and Lisa Holland will stand trial on charges of open murder, child abuse, obstruction of justice and filing a false police report in the death of their 7-year-old son, Ricky, a judge ruled Tuesday.

Lisa Holland cried softly as 55th District Judge Rosemarie Aquilina said she intended to kill her adopted son and that Tim Holland was an accessory after the fact.

The couple told police last July that Ricky had run away from home. Months later, Tim Holland led authorities to the child's remains, which were wrapped in a blue bedsheet and stuffed inside two garbage bags in a wetland area about 2 miles south of Dansville.

Concluding a preliminary exam, Aquilina said the boy likely died July 1 in the family's Douglas Street home on the outskirts of Williamston. The child abuse began in the family's previous house in Jackson and continued after they moved to Ingham County, she said.

Attorneys for the Hollands, who accuse one another of killing the boy, said they would review their options.

"I think there's room in the decision for an appeal," said Andrew Abood, an attorney for 33-year-old Lisa Holland. He had argued that there was not enough evidence to sustain murder and child abuse charges.

The Hollands are being held without bond. They waived their right to appear at an April 26 arraignment in Ingham County Circuit Court.

Frank Reynolds, Tim Holland's lawyer, said little evidence was presented about his client.

"It's absolutely clear that he was involved in a cover-up," Reynolds said.

But, he said, there's no proof that Holland, 37, took any action to directly harm his son.

"He wasn't doing anything to this child," Reynolds said.

Prosecutors charge that Holland, a former counterterrorism intelligence analyst for the U.S. Army, silently acquiesced in his wife's mistreatment of their son.

Aquilina said "nonaction is an action," adding that Holland could have done something to protect Ricky, especially when he came home from a military trip to find his son tied to his bed and looking pale.

In a taped jailhouse conversation, Holland told his mother that on that day he came home, his wife killed the boy with a hammer.

Ingham County Assistant Prosecutor Mike Ferency argued that the boy might have been alive for hours or days after being hit in the head with the hammer and that Holland had a legal obligation to seek medical attention to save the boy's life.

Contact **JACK KRESNAK** at 313-223-4544 or [jkresnak@freepress.com](mailto:jkresnak@freepress.com).

# **Hollands to stand trial in death of adopted son, Ricky Judge rules there is enough evidence to try the Williamston couple on multiple counts**

Karen Bouffard / The Detroit News

Wednesday, April 12, 2006

**MASON** -- Tim and Lisa Holland will stand trial on charges of murder, child abuse and other crimes against their 7-year-old adopted son, Ricky.

An Ingham County judge on Tuesday bound the couple over to circuit court, based on evidence and testimony presented during a 14-day preliminary hearing.

Lisa Holland, 33, showed emotion for the first time during the proceedings, breaking into sobs as 55th District Court Judge Rosemarie Aquilina ruled that there was enough evidence to try her on five charges: murder, two counts of child abuse, obstruction of justice and filing a false police report.

Tim Holland, 37, who had been emotional on several occasions during the preliminary hearing, showed no emotion as he was ordered to stand trial on similar charges.

The case has drawn national attention because child welfare workers allowed Ricky to remain in the Holland home despite numerous complaints from school officials and neighbors that the little boy was abused.

Tim Holland's attorney, Frank Reynolds, pleaded with the judge to charge his client with nothing more than accessory after the fact, because Tim Holland claimed his wife beat the child to death with a hammer in the family's Williamston home in a fit of anger.

"Any time you're part of the commission of a crime, you're as guilty as the perpetrator," Aquilina told The Detroit News after court adjourned.

"You have the obligation to stop or report the crime and Mr. Holland did neither. He did nothing to stop it, nothing to report it, nothing to help in any way. Had he said something the first time that this child was chained to a bed, this never would have occurred."

Lisa Holland's attorney, Andrew Abood, asked the judge to charge her with accessory after the fact because she claimed her husband killed Ricky.

Ricky was reported missing July 2, and his parents said the boy had run away.

Tim Holland took investigators to the child's body, buried in rural Ingham County. Assistant Ingham County Prosecutor Michael Ferency said despite the defense attorneys' claims, at least one fact is clear: "Ricky Holland was murdered."

"The ... proof is the ruse that was carried on for an extended period of time that was to keep the community from finding his body that was concealed in a ... wetland," Ferency said.

"When we look at the circumstances of that boy's life and death, that was malice."

No trial date has been set, but both sides expect it to begin in late summer.

"We didn't by any means divulge the whole case," said Ingham County Sheriff's Department Sgt. Roy Holiday."

*You can reach Karen Bouffard at (734) 462-2206 or kbouffard @detnews.com*

# **Ricky's parents to stand trial Judge rules there's enough evidence to continue murder, child abuse case**

By Susan Vela  
Lansing State Journal

Published April 12, 2006

MASON - Ricky Holland's adoptive parents will stand trial on charges that they abused and murdered the 7-year-old Williamston boy last summer.

With Tim and Lisa Holland visibly shaken by the ruling, 55th District Court Judge Rosemarie Aquilina said Tuesday she'd heard enough evidence of abuse during the Hollands' 14-day preliminary hearing to advance their case to Ingham County Circuit Court.

While handing down her decision, Aquilina responded to defense attorney Andrew Abood's contention that binding the case over required threading a needle with nonexistent evidence.

"I can not only thread a needle, I can make a whole quilt," the judge said. "And I have five very good patches to do it with."

Aquilina then listed for Tim Holland, 37, and his wife, Lisa, 33, the five charges that they will go to trial for in 30th Circuit Court: open murder and first-degree child abuse - on which the preliminary hearing centered - and additional charges of child abuse, obstruction of justice and filing a false police report.

The Hollands face life in prison without parole if convicted.

According to investigators, Tim Holland contends his wife killed the boy by striking him twice in the head with a hammer.

Lisa Holland told sheriff's detectives her husband's moods "swing like a pendulum" and that he perhaps strangled or suffocated Ricky after the child did something to set him off.

Aquilina's decision on Tuesday ended a lengthy preliminary hearing that was often emotional. The case has drawn national media attention as people - including the hundreds who helped search for Ricky when he went missing in July - awaited answers.

Tim Holland reported Ricky missing July 2, saying he was last seen at bedtime in the couple's Williamston home.

Months passed before Tim Holland led police on Jan. 27 to the boy's body in a marshlike spot in rural Ingham County.

Throughout the Hollands' preliminary hearing, which began in February, Ingham County Assistant Prosecutor Mike Ferency said the Hollands engaged in "an elaborate, well-conceived ruse" to cover up Ricky's death.

He returned to that premise during Tuesday's closing statements, where he also emphasized previous testimony indicating the Hollands had been abusing Ricky.

"We have a pattern of abuse here. (And) there was an escalation. The escalation became dangerous," Ferency said. Because of both parents, he said, "that house was a prison" for Ricky.

Defense attorneys for both Hollands bristled.

"Saying there is a concert of action doesn't make it so," said Frank Reynolds, Tim Holland's attorney. "There is no evidence that he participated in any action that resulted in (a) child's death."

For the preliminary hearing, both Hollands sat in the same courtroom with separate sets of attorneys. It will be up to a Circuit Court judge to decide if they will be tried together or separately.

Ferency said it could take several months before a trial begins.

About 15 Ingham County law enforcement officials were in the courtroom when Aquilina bound the case over. Many stayed afterward to congratulate Ferency.

"It's been a long investigation," said Detective Lt. Jeff Joy of the Ingham County Sheriff's Office.

"We did this for Ricky."

Contact Susan Vela at 702-4248 or [svela@lsj.com](mailto:svela@lsj.com).

# **Jury weighs whether dad shook baby to death**

## **Wife, family members support man at trial**

PUBLISHED: April 12, 2006

By Jameson Cook  
Macomb Daily Staff Writer

A jury began deliberating the fate of a 32-year-old Harrison Township man accused of killing his infant daughter by shaking and/or throwing her against a wall.

Gary Wayne Lauzon, charged with second-degree murder, is awaiting the outcome of the deliberations following a several-day jury trial in Macomb Circuit Court in front of Judge Edward Servitto.

The jury began mulling its decision in the late afternoon Tuesday following closing arguments. Earlier in the day, Servitto ruled against assistant Macomb prosecutor Robert Merrelli's request to allow the jury to consider manslaughter as a verdict.

The case revolves around how Lea Lauzon suffered injuries late afternoon Nov. 15, 2004, in the Lauzon apartment. She arrived at Mount Clemens General Hospital with no heartbeat, and later was transferred to William Beaumont Hospital in Royal Oak, where she arrived comatose.

Merrelli argued that Lea's injuries -- brain bleeding and swelling and "multi-layered" retinal bleeding -- are symptoms of shaken baby syndrome and/or an impact. Macomb County Medical Examiner Daniel Spitz ruled Lea's death a homicide from child-abuse injuries, and a Beaumont doctor testified her injuries were inflicted by someone.

Defense experts said Lea could have died from a sudden infant death condition and raised questions about the validity of shaken baby syndrome, which involves violent shaking of a small child.

Lauzon, who is free in lieu on bond, testified that Lea could have suffered some of the injuries when he fell backward on the stairs of his apartment unit with Lea in his arms while rushing her to the hospital. Scrapes were found on his left elbow, and four small bruises were found on Lea's face next to and below her left eye.

Lauzon said that he had left Lea on the bed in his bedroom and awoke from a nap in his living room to find her not breathing.

Lauzon's wife, Grace, testified in his defense.

Lea was the first child for Lauzon, a heavy machine operator for Detroit Edison; and Grace, a nurse. They married in June 2004.

About 15 people, including family members, in apparent support of Lauzon, attended Tuesday's proceedings. Lauzon's defense attorney, F. Patrick Talab, said in closing arguments that the Lauzon family has agonized over the loss of Lea and the subsequent criminal charge against Gary Lauzon.

"Gary and his family in the last year and a half have been dragged through the mud," Talab told the jury.

Merrelli retorted to the jury that Lauzon's character isn't on trial.

"This is not about emotion," he said. "We're not here to demonize. We're not here to determine

whether he is a good person, but what he did.

"We're not saying he didn't love his child."

Merrelli said Lauzon acted "in frustration that we all feel when we're dealing with a newborn."

"It doesn't take much," he said.

Talab noted to the jury that while the theory of shaken baby syndrome has been in existence since the 1970s, it has gained detractors in recent years. He said just because a majority of the scientific community has accepted the theory doesn't mean it's right.

"Why does science resist change?" Talab said. "Pride and arrogance."

"It (shaken baby syndrome) is a concept that has been scientifically disproven, yet there are many people who support it," he said.

He pointed out that many scientific theories that were once accepted as fact have been shown as false.

The jury, which is expected to resume deliberations at 10 a.m. today, late Tuesday asked to view a video of Lauzon carrying Lea from his car into and through the main lobby of Mount Clemens General.

# Judge allows Besander to withdraw guilty plea

By STEVE BROWNLEE, Journal Staff Writer

April 12, 2006

MARQUETTE — A conference scheduled for Thursday morning should determine when and if an Ishpeming woman will go on trial in the case of her infant son, who died nearly a year ago at their residence.

Circuit Judge John R. Weber granted a defense motion allowing Aimee Rose Besander, 20, to withdraw her guilty plea to a charge of second-degree murder. She pleaded guilty on Jan. 27 in 25th Circuit Court in Marquette.

Weber cited “the interest of justice” in his four-sentence opinion allowing a trial to now be scheduled instead of conducting a sentencing hearing that was set for Thursday afternoon.

Besander’s current attorney, Thomas P. Casselman of Marquette, filed a 29-page set of motions on March 21, citing two major reasons for asking Weber to push the case back to where it was several months ago, when Besander’s trial on an open murder charge in the death of 3 1/2-month-old Jacob Joseph Schilling was scheduled for Jan. 30.

Casselman stated in his request that Besander’s previous attorney, James Nancarrow, provided ineffective counsel, according to the text of the motion. He also stated that his client is actually innocent of the second-degree murder charge.

The judge, however, allowed the change of plea based on “arguably incomplete factual basis given by defendant at the arraignment, coupled with the circumstances of the plea negotiations and her assertion of innocence ...”

In a press release, Michael Dettmer, Nancarrow’s attorney, stated, “My client, Jim Nancarrow is pleased that Judge Weber has granted Ms. Besander the opportunity to withdraw her plea based upon her assertion of innocence.

“As to Mr. Casselman’s factually unsubstantiated attack on Mr. Nancarrow’s handling of this matter, we believe the basis of the court’s ruling recognized that Mr. Nancarrow’s representation was within or exceeded professional standards.”

Casselman took over as Besander’s attorney in February.

While the second-degree murder charge carries a maximum sentence of life or any number of years in prison, the plea agreement worked out between Nancarrow and the Marquette County Prosecutor’s Office requested Weber sentence Besander to 10 to 15 years in prison.

Schilling died on April 16, 2005, at Besander’s Ishpeming residence. Following an autopsy, Kent County medical examiner Dr. Stephen Cohle concluded that Schilling died by asphyxiation through suffocation, according to the Ishpeming Police Department.



Apr 12, 9:43 AM EDT

## **Mother to stand trial on paddling charge**

BRIGHTON, Mich. (AP) -- A Livingston County woman has been ordered to stand trial on child abuse charges for what authorities say was the violent paddling of her 13-year-old son. The woman maintains it was a light spanking.

Authorities say Darcy-Ann Cervelli, of Putnam Township, caused severe bruising to her son's buttocks and legs by beating him with a rubber paddle on March 11. Defense attorney Paul J. Stablein said Cervelli, 38, was only "swatting" her son.

Judge Theresa Brennan of 53rd District Court ordered Cervelli to stand trial on a charge of second-degree child abuse. If convicted, Cervelli could face up to four years in prison.

"I've heard all the facts. This was not a spanking. It was a beating," Brennan said.

Cervelli's circuit court arraignment is scheduled for Friday.

County sheriff's Deputy Andrew Ellis testified last week that Cervelli locked her son out of the home while she went grocery shopping. When she returned home, she punished him for damage he caused to a door when he tried to get into the house. He said Cervelli also spanked her son 10 more times with a belt after finding a second door had been damaged.

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Information from: Livingston County Daily Press & Argus, <http://www.dailypressandargus.com>

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# Sleeping child left on bus

Wednesday, April 12, 2006

THE SAGINAW NEWS

Saginaw Intermediate School District officials have placed a bus driver and aide on administrative leave while investigating claims the two left a 4-year-old asleep on a bus. The special education student apparently fell asleep after 11 a.m. Friday and missed his stop at Arrowwood Elementary School, 5410 Seidel.

Intermediate School District officials suspect the driver and aide failed to check the bus before leaving it at the Saginaw Township Community Schools bus garage on Fashion Square about 11:50 a.m.

The aide said she returned within 15 minutes to retrieve her umbrella and purse and discovered the student.

"These people are trained and trained and trained," said Intermediate District Superintendent Richard D. Lane. "They know you don't leave your bus without inspecting it."

The aide and another driver dropped the student off at school before 12:30 p.m., Lane said. The Saginaw News could not immediately reach Richelle Donald, parent of the child, for comment Tuesday.

# Teacher charged with sexually touching, providing alcohol to 2 young women

Trace Christenson

*The Battle Creek Enquirer*

A Marshall Public Schools teacher, charged with sexually touching and providing alcohol to young women, is awaiting a preliminary examination next month.

Jody M. Foreman, 37, of Battle Creek, is alleged to have provided two 18-year-old women with alcohol and touching one of them on the buttocks.

Foreman's attorney, J. Thomas Schaeffer of Marshall, declined comment Tuesday on the case.

Investigators said the incident occurred Jan. 2 at Foreman's Battle Creek home. If convicted on the fourth-degree criminal sexual conduct charge, Foreman faces a maximum penalty of two years in jail. Furnishing alcohol to minors is a misdemeanor with a maximum penalty of 60 days in jail.

Battle Creek police began their investigation after officials at Marshall Public Schools and Marshall Police were notified about the allegations and contacted Battle Creek detectives.

He remains free on bond and is scheduled to appear in Calhoun County District Court before Judge Samuel Durham for a preliminary examination on May 4.

In addition to the criminal case, Marshall schools also is conducting an investigation, according to Superintendent Joyce Phillips.

Foreman, a social studies teacher and girls tennis coach, was placed on paid administrative leave on Jan. 30. He has been employed by the district since August 1994. His annual salary is \$61,456.

"The administration is investigating information that has come to our attention regarding Mr. Foreman," Phillips said this week.

When the administrative investigation is complete, the information and results will be taken before the school board for a final decision about Foreman's future in Marshall Public Schools, Phillips said, but she said no more information is being released because it is a personnel matter.

"The individual has a right to privacy," she said.

*Staff Writer Nick Schirripa contributed to this report.*

*Trace Christenson covers crime and courts. He can be reached at 966-0685 or [tchrist@battlecr.gannett.com](mailto:tchrist@battlecr.gannett.com).*

Originally published April 12, 2006

# Sentence reduced in sexual assault on teen boy

Tuesday, April 11, 2006 6:49 PM EDT

*Due to sentencing guidelines, four months are trimmed from a prison sentence handed to 43-year-old Mark Allen Harsh for the assault on a 16-year-old boy in Tecumseh.*

By Dennis Pelham

Adrian Daily Telegram Staff Writer

ADRIAN - Four months were shaved Monday from the minimum prison term of an Adrian man convicted of sexually assaulting a teenage boy he met over the Internet to comply with state sentencing guidelines.

The change in sentencing leaves a one- to two-year prison term in place for 43-year-old Mark Allen Harsh as punishment for the assault on a 16-year-old boy in Tecumseh. It does not affect two other prison terms of as much as 15 years that Harsh received in 2004 for trying to frighten the victim out of appearing in court to testify.

At the time of the sentence, Lenawee County Circuit Judge Harvey A. Koselka told Harsh: "What you did to the victim is horrendous. Unexcusable. And then to compound it, you arranged for the victim to be intimidated so he wouldn't appear in court."

Harsh was accused of posing as a teenager on the Internet and befriending the 16-year-old boy. They arranged to meet in Tecumseh where Harsh admitted forcing the boy to have sex then releasing him.

The issue of whether the first sentence was too long under state guidelines was resolved with little discussion at a hearing Monday afternoon.

Assistant Lenawee County prosecutor Jonathan Poer agreed state sentencing guidelines limited the court to a 12-month minimum sentence for the fourth-degree criminal sexual conduct charges Harsh pleaded guilty to in July 2004. State appellate attorney David Pietroski agreed that Harsh was properly sentenced at that time to consecutive prison terms in the witness intimidation case.

Harsh objected to having to serve the sentences separately in appeals he wrote on his own last year before an attorney was appointed to represent him. Harsh asked to withdraw his guilty pleas, claiming he was innocent of the sexual assault and did not understand he could be sentenced to consecutive prison terms when he pleaded guilty.

Pietroski told the court Monday he saw no issues to raise with the consecutive sentences. The witness intimidation offense occurred after Harsh was arrested and awaiting a hearing in the sexual assault case. Pietroski filed a motion in January asking the court to vacate his appointment, stating any appeal of Harsh's guilty pleas and consecutive sentences would be "wholly frivolous."

Harsh was not present in court Monday.

Poer said after the hearing that it is not clear if the sentence change ordered Monday will have any effect on how much time Harsh spends behind bars.

“All we know is that the minimum has been reduced by four months,” Poer said.

The Michigan Department of Corrections might still require Harsh to serve the two-year maximum in the criminal sexual conduct cases before beginning to do his time for threatening the victim. Harsh admitted he paid \$300 to an ex-convict he knew to contact the victim in the sex assault and warn him not to show up to testify at a preliminary hearing.

Harsh was given a five- to 15-year term for conspiracy and 23 months to 10 years for witness intimidation.

## **Child Advocacy Center needs community support to survive**

Thank you very much for the independent research, accurate representation of the facts and endorsement of the St. Clair County Child Abuse/Neglect Council's efforts to develop a Child Advocacy Center in St. Clair County.

As the March 30 article indicated, we will be searching for a location for the advocacy center in the near future.

Our council is a very small 501(c)(3) nonprofit, with no consistent funding source. We are not a governmental agency, nor a business - simply a dedicated group of individuals who wish to help provide child victims of sexual abuse the chance to experience one investigative interview, rather than many.

We are very encouraged by the endorsement of the concept thus far by our very important partners - the office of the county prosecutor, law enforcement and the Department of Human Services.

We have always found our citizens, local foundations and business community to be compassionate and generous. It is our hope that by working together we can make this vision a reality in support of our belief that-"It shouldn't hurt to be a child."

JEAN STURTRIDGE

President

SALLY STRAFFON

Director

St. Clair County Child Abuse/Neglect Council

Port Huron, April 6

Originally published April 12, 2006

*Gongwer*  
*April 11, 2006*

## **REPORT: WELFARE TO WORK NOT ALWAYS A DIRECT ROUTE**

Increasing the number of state caseworkers who handle welfare assistance cases, a move that some Democrats have suggested, is not the answer to getting more people to work from welfare, a report released on Tuesday suggested. But the report by a federal policy research center said Republican solutions, to largely focus efforts on the employable instead of the barriers to employment, also aren't a likely way to bring Michigan any closer to meeting federal work requirements for those on welfare.

Since a major federal overhaul of welfare regulation in 1997, most states have been evaluating how to balance funding needs and federal guidelines with the needs of people who may never work, resulting in a permanent drag on efforts to increase recipient work participation.

The study by the Washington D.C.-based Mathematica Policy Research Institute documented the results and wisdom learned from a \$58 million state-funded project in Ramsey County, home of St. Paul, Minnesota.

Ramsey County sought to individualize its services, evaluating whether the people were unemployed because they were disabled and therefore needed help getting disability benefits; because they suffered from a mental or physical illness; or because they the lacked basic skills or education required to get or keep a job.

What the study seems to suggest, although the authors point out it's not intended to evaluate whether Minnesota's program worked, is that the federal government should create a broader range of activities that qualify as work, such as community service, drug or mental health treatment programs and basic skills training.

Taking the federal government's lead, states should create placement programs that are less one-size-fits-all and do more than just set people up with a job search when there may be other steps they need to take first, before they can even think about sustaining gainful employment, the report said.

That backs up an assertion by the Department of Human Services, which has been pushing its JET (Jobs, Education and Training) pilot program and a more individual approach to offering services, as crucial to getting people to work.

"Our focus is on reducing poverty, not just on getting a job, any job," said Human Services Director Marianne Udow, adding that under the Work First

system more than 50 percent come back within a year. “We want to create a permanent attachment to the labor force.”

She said both other states’ progress with individualized programs and Michigan’s history provide proof that those who have been on welfare for a long time have to have tailored plans to identify what their specific barriers are and get them into sustainable employment.

However, without a set date for the statewide implementation of the JET project and with a looming October 1 deadline that could leave Michigan \$100 million poorer if the state fails to get at least 50 percent of its welfare recipients to work, Republicans are unconvinced, with Rep. Bruce Caswell (R-Hillsdale) saying that the best solution for now is to get those who are already working to work enough hours to satisfy federal requirements.

That resolution, while it may be the most cost-effective in the short run, would no doubt lead those with significant barriers to be cut off from assistance, not because they won’t comply with work requirements but because they can’t comply, said LaDonna Pavetti, one of the study’s authors.

“If states cut families from TANF funds, their number of (working families on welfare) goes up but then the neediest, many times mentally or physically ill families are left extremely poor,” she said.

In Michigan, cutting those with the highest barriers to work from the welfare rolls would leave about 15,000 families, about 36,000 children, with no source of income.

One other solution, proposed in March by Rep. George Cushingberry (D-Detroit), is to expand services to even more people, which could increase the percentage of working recipients, and to hire more caseworkers.

That isn’t necessarily the way to go either, said Sharon Parrott, the director of Welfare Reform for the Center on Budget and Policy Priorities, the group that announced the release of the report.

The problem in most states isn’t that there aren’t enough social workers, she said, it’s that the workers don’t have the training needed to identify who has barriers and how to effectively get people past them and into a job.

Ms. Parrott said most welfare programs rely too much on direct questioning of clients about potential barriers such as domestic violence, mental illness or lack of education.

“If you ask someone directly, they’re likely to say “no,” either out of embarrassment or lack of awareness about what a barrier truly looks like,” she said.



Instead of bulking up on caseworkers, Ramsey County's program tapped into the knowledge of disability services workers, who have been trained to spot barriers to employment.

They also used occupational therapists that observed clients at in-home visits and therefore could garner a sense of what was going on in their lives that was making it difficult to find or maintain a job.

With all of its wisdom gained, Ramsey County's individualized analyses, training and treatment program was a victim to the same predicament the befalls many well-intentioned ideas: a lack of money.

Therein lies the problem, Ms. Pavetti said. The report can serve as a wake up call to lawmakers about the vulnerability of the population that strict work rules would leave behind.

But it also serves to confirm one of the largest fears of policy makers: "Doing this right, costs money."

But, added Ms Pavetti, she hopes the report will help states to look more closely at the way they're using the resources they already have and decide if they are the most effective expenditures of time and money.

## **Foster care waiver puts big responsibility on state**

Michigan is one of five states to receive waivers from the federal government that will allow it to use some federal foster care funds to help families stay together, rather than placing their children into foster care.

We think the state's approach of providing services such as mental health counseling, substance abuse help and intensive home visits by trained social workers could be effective in helping at-risk families to overcome their difficulties and remain united. But such a shift also places a big responsibility on the state to ensure that children in such families are well cared for and safe. Workers will need to be diligent in monitoring families and should not hesitate to raise alarms if they believe children face any danger in their homes.

Keeping families intact is a goal of most foster care programs. But in home situations where children face continuing abuse or neglect, that is not possible. That is why approximately 19,000 children in Michigan are in foster care.

With the federal waiver, Michigan will be able to use some of the \$107 million it gets in annual federal funds for foster care on early intervention with families. In addition to providing services such as counseling, the money also can go toward necessities such as food, housing, clothing or to pay relatives who are acting as foster parents but are ineligible for payment under the standard foster care program.

Michigan plans to highlight the new approach with demonstration projects, beginning in Wayne County and expanding to other counties that submit proposals.

But the state will have to carefully weigh the benefits of keeping children with their biological parents against the risk of exposing those children to harm if their parents cannot successfully deal with the issues they face. Workers will have to be vigilant in seeing that families get the help they need.

Unfortunately in recent years, we have seen examples in other states of how overwhelming caseloads and too few resources have led to the mistreatment or even disappearance of children in foster care. Such cases, though rare, undermine the public's confidence in the government's ability to operate a safe and efficient foster care system. The federal waiver will increase responsibility on workers to ensure that children who remain with their parents are treated properly.

Marianne Udow, director of Michigan's Department of Human Services, seemed to understand that responsibility, telling reporters this week, "Safety's No. 1. We're not going to leave a child in an unsafe situation."

But Udow also underlined the potential help that the federal waiver can provide: "It's all about helping sooner before children are in danger. In most cases, these parents want to be good parents. They don't always know where to go for services."

We hope that Michigan's new approach will successfully guide them.

Originally published April 12, 2006

# **Stand up for men**

April 12, 2006

Editor, The Saginaw News:

It's about time a man has stepped up and fought for his rights! So many men just give up and get "raked" by the system because either they don't know their rights or can't afford an attorney. And without an attorney at Friend of the Court, a man pretty much has no rights.

I hope Matt Dubay wins his fight. Something needs to change with these laws for men and women -- it's not just a man's fault when a woman gets pregnant.

What if Dubay desperately wanted this child and the woman didn't? She gets to go have an abortion, and he has no say about it. Something is wrong with this picture!

Patricia Todd  
Midland

# 4C awards planned

HOMETOWN HEADLINES

FLINT

THE FLINT JOURNAL FIRST EDITION

Wednesday, April 12, 2006

By Ron Fongerrfonger@flintjournal.com • 810.766.6317

Six awards are expected to be presented at the annual 4C Child Advocacy Awards on April 28. The program is planned for 7:30-9:30 a.m. in the Sarvis Conference Center, according to a news release.

Awards honor family, group and center child care providers.

For more information, call (810) 232-0145.

Published April 12, 2006

## **Highfields staff won't face criminal prosecution But state starts process to revoke youth home's license**

By Stacey Range  
Lansing State Journal

No criminal abuse charges will be filed against staff at Highfields, but the state is beginning proceedings to revoke the license of the Onondaga-based home for juvenile offenders.

Miriam Bullock, division director of the state Department of Human Services' Office of Children and Adult Licensing, said a letter stating the department's intent will be sent soon to Highfields Inc.'s administration.

But Bullock added that the process could take up to four months, and "everyone is hopeful we can find some resolution."

Hope was buoyed Tuesday with the announcement by Ingham County's prosecutor and sheriff that their investigation of three allegations of staff abusing youth yielded no charges.

Charles Corley, chairman of Highfields' board of directors, said he's confident the facility will reopen, possibly as early as this summer.

"We believe we can still put together a stellar plan that will resolve these issues," Corley said.

"We have great hope and great anticipation."

Two allegations were validated by Ingham County Prosecutor Stuart Dunnings III and by Bullock's division: one that staffers used "excessive physical restraint" by taking a boy outside in the cold without a coat for up to an hour; and another that a staffer condoned and failed to report a hazing incident in which boys squirted a newcomer with shampoo, shaving cream and spoiled milk while he was in the shower.

The report from Dunnings included a third allegation of a Highfields teacher using excessive force on a student.

That boy ended up hospitalized after an altercation in which he fell to the floor and struck his nose.

While Dunnings called the incident "regrettable," he said four other students saw it and thought the level of force was appropriate.

Determining whether staffers' actions comply with state and agency procedures was not in his purview, Dunnings said.

"I have found no evidence of any illegal assault, or any criminal behavior of any sort, performed by the staff of Camp Highfields," Dunnings told reporters.

"As such, the criminal investigation is closed and no charges will be issued."

#### Investigation pending

The announcement leaves just one of the four independent investigations pending. Another branch of DHS is reviewing whether any violations were committed against its service contract with Highfields.

A group of Ingham County judges conducted its own investigation. Highfields also performed an internal review.

The investigation by Bullock's department cited Highfields for use of "excessive physical restraint" by staff members and for failure to prevent or report the hazing incident. The report recommended disciplinary action up to revocation of Highfields' license.

#### Plan of action

Highfields' board is working on a corrective action plan that will address safety, communication and training for staff.

The plan is being prepared with the help of David Roush, a professor of criminal justice at Michigan State University and director of the National Juvenile Detention Association Center for Research & Professional Development.

Corley said he hopes to receive Roush's preliminary review of needed changes as soon as this week.

The plan will include recommendations from the state as well as from staff from the 30th Circuit Court. That group is headed by Ingham County Probate Judge Richard Garcia.

Contact Stacey Range at 377-1157 or [srange@lsj.com](mailto:srange@lsj.com).

Published April 12, 2006

## **Girl, 9, last saw mom with defendant Daughter testifies in 2004 E.L. slaying case**

By Hugh Leach  
Lansing State Journal

Paul Gibbs carried Tammie Sue Dubay from her apartment in the early morning hours of July 14, 2004, Dubay's 9-year-old daughter Crystal testified Tuesday.

About 12 hours later, Dubay's blanket-covered body was discovered by a man and his wife walking their dogs along Cornell Road in Haslett.

Dubay, 35, disappeared from her Deerpath Lane apartment in East Lansing early the morning of July 14, 2004. Her estranged boyfriend, Paul David Gibbs, 49, of Jackson is on trial in Ingham County Circuit Court on charges of open murder in connection with her death. If convicted, he faces life in prison.

Prosecutors began calling witnesses Tuesday. Besides the couple who found Dubay's body and called police, two other witnesses said they had seen the blankets alongside the road earlier in the day.

Bernard Woods testified he saw what appeared to be a pile of blankets, which had not been there the previous day, as he drove to work about 6:30 a.m.

He said the area is usually free from debris or trash, which is why he noticed it.

"There might as well have been a beacon saying this is out of place," he said.

Area resident Neil Snepp said he looked under the blanket as he walked past it shortly after noon. He said he thought the nude body was a mannequin or a doll and didn't report it.

Defense attorney Lee Taylor told jurors in his opening arguments that police targeted Gibbs in their investigation because of his past.

"He was an ideal suspect," Taylor said. "He has a record, he has been in prison and he was at Tammie's apartment on the morning of the murder."

Also testifying Tuesday was Margaret Dubay, Tammie's mother. She said Crystal called her at 4:43 a.m. July 14 and said she couldn't find Tammie, a paraplegic since birth.

Margaret Dubay said she arrived at the apartment about 5 a.m., and Gibbs knocked on the door about 20 minutes later.

When asked if he knew where Tammie was, Gibbs said she might be at a friend's house and left, she said.

A videotape recorded by another Deerpath Lane Apartments resident concerned about security of her vehicle showed a pickup similar to that driven by Gibbs entering the parking lot at 1:47 a.m.

Barbara Seltzer, who works at Meijer in Okemos, testified that Gibbs came into the store about 5 a.m. July 14 and seemed nervous. His hands shook, and he was wearing a coat fastened nearly all the way up despite temperatures of about 70 degrees, she said.

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Ann Arbor News Letters

April 12, 2006

## **Yes, critics are ready to raise unwanted children**

I am writing in response to the letter titled "Are critics ready to raise unwanted children?" by Larry Rowland (The Ann Arbor News, March 26). I am one of those "critics" and the answer is an emphatic YES! Mr. Rowland stated "these people should be willing to put their money where their mouth is." The evidence that people are ready and willing to do both can be found in the adoption ads in this newspaper, in the waiting lists of families who want to adopt in America and in the countless families who pay thousands of dollars for foreign adoptions. Many people donate money to operate pregnancy counseling centers which charge nothing for their services and along with local churches, help women with unwanted pregnancies to either adopt or raise their children. They also care for women who may grieve their choice to abort through support groups and counseling.

Not only would we be willing to raise and love the unwanted children, we desperately want to love and support the women who carry them. Hopefully, we give them options at a time when they feel they have none.

Cheryl B. Ankenbauer, Dexter

# **Black Child and Family raises funds for new home**

## **Lansing agency wants space to expand services**

By Tom Lambert  
Lansing State Journal

Published April 12, 2006

Black Child and Family Institute leaders celebrated the agency's 20th anniversary Tuesday by kicking off a campaign to raise money for an updated home.

Their goal is to raise \$500,000 to \$750,000 to move so they can expand programs and services.

"The institute has had a tremendous impact on the area," said Barbara Roberts, a founder of the organization. "A new, 21st-century facility would allow us to have more programs that would instill in adults and young people the global skills they will need in the future."

The Lansing-based nonprofit has housed after-school, summer-school, computer training and other services for the disadvantaged at Lansing's former Genesee Street School since soon after its 1986 start.

The institute leases the building from the district for \$1 a year.

"The community needs this organization," said Martha Bibbs, the agency's president. "We are a valuable resource.

"We don't just serve African-American children and adults; we serve the entire community."

Nettavia Curry, president of local chapter of the Alpha Kappa Alpha Sorority, said her group gave \$2,000 toward the institute's fundraising campaign.

"This organization prepares students for college," said Curry, who also works in MSU's Office of Supportive Services. "It opens doors for students who otherwise wouldn't have that chance."

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# **Author: Poor invisible, but everywhere**

## **Poverty linked to sense of powerlessness**

Wednesday, April 12, 2006

BY LISA ALLMENDINGER  
News Special Writer

Pulitzer-prize winning journalist David Shipler told an audience of about 60 people "to connect the dots when talking about poverty in America," during a talk at the Chelsea High School auditorium Tuesday night.

The author of "Working Poor: Invisible in America," was closing the speaker for the "Chelsea Reads Together, One Book One Community" series of events that began earlier in the year. For Mike Schroer of Chelsea, attending the event was an extension of his interest in the Chelsea District Library's community read program that encouraged residents to read "Nickel and Dime, On (Not) Getting By in America" by Barbara Ehrenreich.

This year, Chelsea District Library was joined by both Dexter and Manchester District Libraries in recommending Ehrenreich's title as a community reading title.

Although Schroer said he had not read Shipler's book, his interest in the topic of poverty was "piqued by reading" Ehrenreich's book.

"I read 'Nickel and Dime' and it informed me how closely people performing menial jobs can be on the outside of society. I found it eye-opening," Schroer said.

Six members of a book club from Tecumseh drove together to Chelsea for the talk. They, too, had read "Nickel and Dime," but in addition, they have all read Shipler's book and wanted to learn what else he might have to say about poverty across America.

Jeanette Lawhorn said part of the club's interest in Shipler's book had to do with vocational education and the fact that Gov. Granholm was planning to downsize vocational training in the state. Tecumseh has a vocational school, she said.

The book group members recommended Shipler's book not only to adults, but also to high school students.

"He explains how choices can affect earning capacity," said Lorrie Mensing.

Shipler said in American, a single parent with three kids who makes \$19,874 is considered poor. He said that poverty isn't just income, it's debt and a sense of powerlessness.

The author used examples of a man who washes cars for a living but cannot afford to own one.

"They wear their jobs as a kind of camouflage," he said, explaining that people living below the poverty level are everywhere but because they are working, society looks at them differently than someone who is poor but isn't working.

# Gays' job benefits weighed

## 2004 marriage law under appeal

April 12, 2006

BY DAWSON BELL  
FREE PRESS STAFF WRITER

The future of employment-related benefits for the same-sex partners of public workers in Michigan remains up in the air indefinitely as a challenge to the voter-approved 2004 marriage amendment works its way through the courts.

A state Court of Appeals panel heard arguments Tuesday on whether health care and other benefits for the partners of gay and lesbian employees are banned under the amendment. No ruling is expected until later this year, and an appeal by the losing party to the Michigan Supreme Court is almost certain.

In the meantime, a proposal by Gov. Jennifer Granholm to include benefits for same-sex partners of state employees in the state's collective bargaining agreements is on hold.

Lawyers representing Granholm and the cities and universities that currently offer same-sex benefits argued Tuesday that the marriage amendment was intended to preserve the institution of marriage, not govern the workplace.

A representative of Attorney General Mike Cox, whose legal interpretation of the amendment in 2005 triggered the lawsuit, said workplace benefits that are provided to employees in a relationship that mimics marriage are barred.

Assistant Attorney General Eric Restuccia told the court that voters had not prohibited benefits for same-sex partners of public employees. But voters "prohibited recognition of same-sex relationships as if they were marriages," he said. In other words, a public employer could provide benefits to the partners of an employee in a same-sex relationship if the employer extended the same benefit to anyone the employee designated.

An attorney for the University of Michigan, which for a decade has provided benefits to the partners of gay and lesbian employees, told the court that opening up a benefit plan in that way would be prohibitively expensive. But not extending benefits to the same-sex partners of prospective hires would place the university at a competitive disadvantage, the attorney said.

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# Court tries to pinpoint what gay marriage ban means

Wednesday, April 12, 2006

By Sharon Emery  
Lansing Bureau

LANSING -- Everyone agrees that Michigan voters definitely wanted to ban same-sex marriage when they decided in 2004 to restrict marriage solely to relationships involving one man and one woman.

It's just how far they meant that constitutional prohibition to extend that's the question.

The issue argued in the Michigan Court of Appeals Tuesday, and likely to ultimately be heard by the state's Supreme Court, is whether public employers such as the University of Michigan and the city of Kalamazoo are violating that ban when they offer same-sex couples the same benefits as married couples.

Eric Restuccia, arguing the case offered by Attorney General Mike Cox, says they are.

"The analysis begins and ends with the words of the amendment," specifically, the phrase "or similar union for any purpose," Restuccia told the three-judge panel.

By extending benefits usually reserved for spouses and children to same-sex partners and no one else, employers recognize "a similar union ... for the purpose of conferring health benefits," he said.

But Deborah LaBelle, arguing for the American Civil Liberties Union of Michigan and representing 21 Michigan couples in the case, *National Pride at Work v. Granholm*, said eligibility for health benefits does not elevate the status of same-sex relationships to that of marriage.

"There are no rights, duties or responsibilities" conferred when health benefits are provided to domestic partners, LaBelle said. "It's simply a relationship."

Judge Joel Hoekstra asked LaBelle whether the declaration of a domestic partnership required by most employers offering the benefits constituted "recognition" of the union and therefore made it equivalent to marriage.

She answered much the way A.T. Miller, a plaintiff in the case, did on the steps of the Hall of Justice following the morning session.

Equating a domestic partner certificate with a marriage license is "a ridiculous comparison," said Miller, coordinator of Multicultural Teaching and Learning at the University of Michigan. "It's just a piece of paper. It's like going to city hall to pick up a bike tag," there are no legal rights awarded similar to those of marriage, he said.

Also hearing the case were Judges Kurtis Wilder and Brian Zahra. A spokeswoman for the court said she had no timetable as to when the judges might rule.

Gloria Hage, representing U-M and Wayne State University, said requiring employers to offer benefits beyond domestic partners would drive up the cost of insurance premiums and throw other benefits, such as rights to married housing, in question.

"To interpret this to go beyond the legal definition of marriage ... will leave universities to guess how to design our benefits package ... How wide do we have to cast the net?" she asked.

Ingham Circuit Judge Joyce Draganchuk ruled in September that same-sex benefits offered by public employers do not violate Michigan's ban on same-sex marriage because the benefits are a condition of employment, not of marriage.

Draganchuk's ruling overturned a March 2005 opinion by Cox that such benefits were unconstitutional under the amendment. Cox appealed and was granted a stay of Draganchuk's decision until a higher court could rule.

Whatever the Court of Appeals decision, it's likely to be appealed. In closing Tuesday's hearing, Hoekstra said he and the other judges would give the case "careful consideration on its way to the Supreme Court."

# Michigan Gay Couples Have No Right To Health Benefits Appeals Court Told

*by 365Gay.com Newscenter Staff*

April 11, 2006 - 9:00 pm ET

(Lansing, Michigan) The Michigan Court of Appeals was told Tuesday that the state's constitutional ban on same-sex marriage bars publicly funded entities, including the state, cities, and universities from providing health insurance and other benefits to the partners of gay and lesbian employees.

Michigan voters in 2004 amended the state constitution say the union between a man and a woman "shall be the only agreement recognized as a marriage or similar union for any purpose."

But soon after it was passed Gov. Jennifer Granholm (D), acting on the advice of Attorney General Mike Cox (R), terminated domestic partner benefits that had been won by state unions.

Cox also directed University of Michigan and Wayne State University and the city of Kalamazoo to shut down their benefits programs to same-sex couples.

Twenty-two same-sex couples filed suit against the state in March. One partner of each of the 22 couples works for the state of Michigan.

Although Granholm removed the benefits from the contracts she disagreed with Cox's interpretation of the amendment and in July she entered the case on the side of the gay couples.

Cox was obligated to argue the case against benefits as Attorney General.

Last September Ingham County Circuit Judge Joyce Draganchuk said health care benefits are benefits of employment, not marriage ([story](#)) and Cox's office appealed.

In court on Tuesday assistant attorney general Eric Restuccia told the three-judge panel that giving benefits to domestic partners that otherwise only spouses or children could receive gives gay partners "special treatment" in violation of the constitution.

"That's exactly what the amendment, and the people of Michigan, are trying to prevent," he said during oral arguments.

Deborah LaBelle, an attorney for the same-sex couples said granting health insurance in no way recognizes a marital union.

She and an attorney representing Democratic Gov. Jennifer Granholm also argued that the ballot measure was a response to the debate about same-sex marriage — and whether to recognize civil unions from other states — not any disagreement over same-sex benefits.

An attorney for the University of Michigan and Wayne State University said the schools would be at a competitive disadvantage in recruiting and retention if they couldn't provide the benefits.

The court did not indicate when it would rule.